

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.)
)
)
SAM B. VACANTI,)
)
)
Defendant.)

8:05CR134

ORDER

This matter is before the court on defendant's motion to continue trial (#34), now set for November 8, 2005. Defendant has filed a waiver of speedy trial as required by NECrimR 12.1. For cause shown, I find that the motion should be granted and the trial continued to the next available setting, i.e., January 24, 2006.

IT IS ORDERED that defendant's motion (#34) is granted, as follows:

1. Trial of this matter is continued to Tuesday, **January 24, 2006**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 8, 2005 and January 24, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in defendant's motion . The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **January 16, 2006** advising the court of the anticipated length of trial.

DATED October 26, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**